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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/985,948
	<b>Filing Date</b>	Nov. 6, 2001
	<b>First Named Inventor</b>	Philip C. Ward et al.
	<b>Group Art Unit</b>	1761
	<b>Examiner Name</b>	Unassigned
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	78972.0023

<b>ENCLOSURES (check all that apply)</b>				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  18 Referenced Documents		
<table border="1"><tr><td>Remarks</td><td> 29693 PATENT &amp; TRADEMARK OFFICE</td></tr></table>			Remarks	 29693 PATENT & TRADEMARK OFFICE
Remarks	 29693 PATENT & TRADEMARK OFFICE			

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	David J. Kulik; Reg. No. 36,576
Signature	
Date	March 26, 2002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Philip C. Ward *et al.*

Appl. No.: 09/985,948

Filed: Nov. 6, 2001

For: CONFECTIONARY PRODUCTS, LOW  
FAT CHOCOLATE AND CHOCOLATE-  
LIKE PRODUCTS AND METHODS FOR  
MAKING THEM

Art Unit: 1761

Examiner: Unassigned



Commissioner for Patents  
Washington DC 20231

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**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Applicants submit herewith copies of the references listed on the attached PTO 1449 Form for consideration and request that the U.S. Patent and Trademark Office make them of record in this application.

Applicants state the following:

☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☒ In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action and/or within three months of the filing date of the application. It is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-1129; or

☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of Applicants no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

☐ This Information Disclosure Statement is being submitted after the mailing of a non-final Office Action, but is believed to be prior to a final Office Action or a Notice of Allowance. Pursuant to 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees or charge any fee required to keep this application pending to our Deposit Account No. 50-1129.

While the information and references disclosed in this Information Disclosure Statement are submitted pursuant to 37 C.F.R. § 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to is “prior art” to this invention. Applicants reserve the right to contest the “prior art” status of any information submitted or asserted against the application.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. This Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and the Examiner is respectfully requested to consider the listed documents and information.

Dated: March 26, 2002

Respectfully submitted,  
**WILEY REIN & FIELDING LLP**

By:   
David J. Kulik Reg. No. 36,576

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Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

## **Complete if Known**

Application Number	09/985,948
Filing Date	Nov. 6, 2001
First Named Inventor	Philip C. Ward et al.
Art Unit	2034
Examiner Name	Unassigned
Attorney Docket Number	78972.0023

## **U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US- 4,545,997	10/08/1985	Wong et al.	
	B1	US- 4,710,393	12/01/1987	Holmaren et al.	
	C1	US- 5,190,786	03/02/1993	Anderson et al.	
	D1	US- 5,425,957	06/20/1995	Gaim-Marsoner et al.	
	E1	US- 5,464,649	11/07/1995	St. John et al.	
	F1	US- 5,468,509	11/21/1995	Schlup et al.	
	G1	US- H1527	04/02/1996	Moore	
	H1	US- 5,505,982	04/09/1996	Krawczyk et al.	
	I1	US- 5,532,022	07/02/1996	Miller et al.	
	J1	US- 5,585,135	12/17/1996	Patterson et al.	
	K1	US- 5,607,716	03/04/1997	Doherty et al.	
	L1	US- 5,849,353	12/15/1998	Baker et al.	
	M1	US-			
	N1	US-			
	O1	US-			
	P1	US-			
	Q1	US-			
	R1	US-			
	S1	US-			
	T1	US-			

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	FA1					
	FA2					
	FA3					
	FA4					
	FA5					
	FA6					
	FA7					
	FA8					
	FA9					
	FA10					

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Sheet 2 of 2

**Complete if Known**

Application Number	09/985,948
Filing Date	Nov. 6, 2001
First Named Inventor	Philip C. Ward et al.
Group Art Unit	2034
Examiner Name	Unassigned
Attorney Docket Number	78972.0023

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Maurice Jeffery, "Understanding Truffles," Candy Industry, October 1999, page 48	
		Doug Wills, "Water Activity and its Importance in Making Candy," The Manufacturing Confectioner, August 1998, page 71	
		Calorie Control Council, "Fat Replacers: Food Ingredients for Healthy Eating," March 2001	
		Lees and Jackson, "Sugar Confectionery and Chocolate Manufacture", 1973, pp. 208-210	
		S.T. Beckett, "Industrial Chocolate Manufacture and Use", 1988 Blackie & Son Ltd., pp. 108-258	
		Lees and Jackson, "Sugar Confectionery and Chocolate Manufacture," 1995 Blackie Academic and Professional, pp. 208-210	

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